Environmental Impact Assessment and Decision Method

AS.420.656.81 SP19

Course Syllabus

Contact information for the Instructors:

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Office Hours: 8:00 am -- 6:00 pm

Course Description:

AS.420.656.81 SP19- This course introduces the process of environmental impact assessment and decision-making as required under the National Environmental Policy Act (NEPA). Students will consider NEPA's legislative history in an effort to discern Congress' intent in passing section 102(2) of the act. The NEPA's implementing regulations and other guidance issued by the President's Council on Environmental Quality, as well as judicial interpretations of the act, will be examined. The "mechanics" of impact assessment will be explored; topics include identification of purpose and need statements, development of objectives and decision criteria, and techniques for assessing impacts and comparing alternatives for environmental intervention. Some special considerations, including cumulative impact assessment, will also be explored. The strengths and weaknesses of various approaches to impact assessment will be evaluated.

Prerequisite:

Graduate level status—exception for Senior undergraduates upon request and approval.
Course Learning Objectives or Goals

Gain a working knowledge of environmental analysis with specific reference to the National Environmental Policy Act and Implementing Regulations. Understand how to conduct an environmental impact assessment (process and content). Learn principles and methods of environmental analysis. Understand the influence of case law on environmental impact assessment. Gain knowledge of the legal, social, and political processes that limit and influence environmental impact assessment. Know how to review and comment on an environmental impact statement, environmental assessment and environmental regulations. Know how to review and comment on an environmental impact statement, environmental assessment and environmental regulations.

Student:

Upon successful completion of this course, you will be able to:

1. Describe and explain the major theories and models of decisionmaking;
2. Apply the basic tools of environmental analysis to review and comment on environmental Impact Statements and Environmental Assessments.
3. Know how, as a citizen, to comment on environmental documents and influence Federal and State environmental studies.
4. Describe the role of various administrative agencies and the courts in conducting environmental analyses.

Course Materials:

There is no required text for this course. Students will read from government publications, such as the Council on Environmental Quality's regulations and guidance reports, documents and papers published by the United States Environmental Protection Agency, the General Accounting Office, and various committees of the United States House of Representatives and Senate, as well as court opinions. All of these materials are available on the WEB or through this site. Instruction on accessing these materials, as well as other source materials, will be provided.

Required Journal Articles:

Unit 1:


Unit 2
1. Bear, Dinah. 1989. NEPA at 19: A Primer on an "Old" Law with Solutions to New

Unit 3

Unit 4
Unit 5

Unit 6

Unit 7

Supplemental or recommended readings (optional):
Other supplemental readings will be communicated based on discussions in class and new and involving issues that are appropriate for the political climate during the class.

Specific Technology Requirements:
- Access to a computer
- Updated JAVA. Adobe Flash Player system plug-in.
- Access to the Internet
- Browser: download and install Chrome or Firefox for PCs. Safari or Firefox for Mac computers.

Technological Skills requirements:
- Ability to work with computers
- Navigate in and use of Blackboard; the Blackboard Student Orientation course on your “My Institution” page
- Create and save MS Word documents and PDF files; see MS Word training and tutorials for PC users (all versions); Word Help for Mac users
- Send e-mails
- Upload and download files Use browsers and Internet
- Participate on the Discussion Board.
- Use the Internet for research

**Structure of the course:**
The Course is divided into seven Units. We have found that changing subject every week can be a challenge for students and moves the course too rapidly for students to get a better grasp of the subjects. We, therefore built seven themes around which this course is built. Here are the themes or Units.

**Unit 1: The History and Early Years.** Introduction to the history of environmental analysis and the statutes and regulations that resulted in the 1960s and 1970s will be traced. The National Environmental Policy Act history will be specifically explored along with the resultant Federal Regulations that guide environmental analysis under NEPA.

**Unit 2: Theories and Models of Environmental Analysis.** What are the typical decision making models used in environmental analysis? The National Environmental Policy Act analysis framework will be described with the associated analysis paths and triggers for elevating the analysis to different depths of analysis.

**Unit 3: Problem Framing.** The initial phases of environmental analysis will be discussed including the framing of the problem to be solved, the components of a proposed actions. The scoping process of gathering information, involving the public and coordination with other regulatory Federal and State agencies will be discussed.

**Unit 4: Analysis Framing.** The analysis framing is generating alternatives, evaluating their environmental impacts, adjusting through mitigation and comparing the alternatives to derive a reasoned decision. We will also explore more difficult aspects of this analysis process; cumulative impact analysis and dealing with unavailable and incomplete information.

**Unit 5: The Courts influence.** Environmental analysis is greatly influenced by the Federal and state court systems. We will explore how courts have set, expanded and constrained analysis under the Administrative Procedure Act.

**Unit 6: Decision Framing and Integration of Other Laws.** The environmental analysis eventually results in decision-making. We will also discuss how other environmental statutes are integrated into NEPA, including the Clean air Act, Clean Water Act, and other natural resource laws. The last topic in this unit will explain other international environmental analysis laws and regulations that parallel laws in the United
States.

**Unit 7: Future Challenges.** Topical issues of the day will be discussed as well as what is the future direction for environmental analysis. The initiatives of the current Administration will be evaluated; including climate change analysis and the potential for adaptive management strategies as applied to the NEPA analysis model.

**Learner Expectations:**

Learners are expected to work diligently to achieve the goals of the course mentioned on page 2 of the syllabus.

**Course Topics, Activities & Schedule**

**Tentative Course Schedule:** To facilitate student success, the instructor reserves the right to modify the due dates or add/delete assignments. You will be informed through Blackboard Announcements if there is a change to assignment due dates and graded assignment.

<table>
<thead>
<tr>
<th>Units</th>
<th>Topics</th>
<th>Activities</th>
<th>Assessments &amp; Week/day they are due</th>
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<tbody>
<tr>
<td>1</td>
<td>History</td>
<td>Three video lectures:</td>
<td>No graded discussions</td>
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<td></td>
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<td>1) Course Introduction</td>
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<td></td>
<td></td>
<td>2) The NEPA history</td>
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<td></td>
<td>3) A NEPA overview</td>
<td></td>
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<tr>
<td>2</td>
<td>Models</td>
<td>Two Discussions</td>
<td>2 graded discussions</td>
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<td></td>
<td></td>
<td>1) Evaluation of Sections 102(2)(C)(E) and (F) of NEPA</td>
<td>NEPA Worksheet (due at mid-point of Unit 3)</td>
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<td>2) Comparison of two different agency NEPA procedures</td>
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<tr>
<td>3</td>
<td>Problem Framing</td>
<td>Two Discussions</td>
<td>2 graded discussions</td>
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<tr>
<td></td>
<td></td>
<td>1) NRCS Program Analysis</td>
<td>P&amp;N Assignment (due at mid-point of Unit 4)</td>
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<tr>
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<td></td>
<td>2) Scoping requirements</td>
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<tr>
<td>4</td>
<td>Analysis Framing</td>
<td>Two Discussions</td>
<td>2 graded discussions</td>
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<td></td>
<td>1) Role of the EA</td>
<td>No-Action Alternative</td>
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<td></td>
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<td>2) Unavailable information</td>
<td>(due at mid-point of Unit 5)</td>
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<tr>
<td>5</td>
<td>The Courts Influence</td>
<td>Two discussion</td>
<td>2 graded discussion</td>
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<tr>
<td></td>
<td></td>
<td>1) Methow Valley Decision</td>
<td>Topic Paper due (end of Unit 5)</td>
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<tr>
<td></td>
<td></td>
<td>2) Strict interpretation</td>
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</tbody>
</table>
### Units | Topics | Activities | Assessments & Week/day they are due
--- | --- | --- | ---
6 | Global Policy | One Discussions 1) Program documents Comment on Topic Papers (extra credit) | 1 graded discussions

7 | The Future | One discussion 1) The future Course feedback (extra credit) | 1 graded discussion final exam due at end of unit

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### Major Assignments and percentage of grades:

**Assignments**

The assignments are as follows.

- 10 graded discussions (30 points, 3.0 points each)
- Worksheet on NEPA (2-3 pagers) (10 points)
- Purpose and Need case study (1-2 pages) 10 points
- No-Action alternative case study (1-2 pages) (10 points)
- A NEPA Topic paper (3-4 pages) (20 points)
- A final exam (4 questions to be answered—each takes 1 ½ to 2 pages). The final exam is open-book; you have two weeks to complete. (20 points)

<table>
<thead>
<tr>
<th>Assignments</th>
<th>Due on Weeks</th>
<th>Points Possible</th>
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<tbody>
<tr>
<td><strong>Assignment 1:</strong> Ten (10) graded discussions – each is worth 3.0 points. Two discussions per unit, except units 1, 6 and 7. (a rubric is used for grading).</td>
<td>Throughout the semester</td>
<td>30 points</td>
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<td><strong>Assignment 2:</strong> A NEPA Worksheet respond to 16 questions. (short answers 1-2 sentences each-- total 2 -3 pages in length)</td>
<td>Week 5</td>
<td>10 points</td>
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<td><strong>Assignment 3:</strong> Two case study analyses. a. Purpose and need case study; and b. No-Action alternative case study (each, 1 page answer) due at midpoint Units 4 and 5 respectively)</td>
<td>Week 7 &amp; 9 (10 points each)</td>
<td>20 points</td>
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Assignment 4: A NEPA Topic Paper. Evaluates an assigned NEPA topic -- discuss current guidance. (2-4 pages in length—single spaced)

Week 10 20 points

Assignment 5: Final Exam. The final exam has seven questions. Each student will respond to four of the seven questions. Each student selects the questions they want to answer. This is an open book final with two weeks of Unit 7 to finish.

Week 14 20 points

Assignment 6: There are two extra credit discussions. Each will be worth 2.5 points. One of the extra credit discussion is responding to other student's topic papers (Unit 6); the second is in making course recommendations (Unit 7).

Extra Credit 5 points

Total 105 points

Grading

1. “Attendance” and presence are required for this class. Students are expected to log on at a minimum of twice a week and are expected to post substantive contributions to discussions that may be going on at the time. Simply saying “hello” or “I agree” is not considered to be a substantive contribution. Students must support their positions, raise new issues, or add value somehow to the discussions in which they participate.

2. Students cannot pass this class without participation in the on-line discussions. Indeed, participation accounts for a consequential per cent of each student’s overall grade.

3. Assignments, including case studies and papers, will be posted. Students are encouraged to comment on and provide feedback to one another on their contributions.

<table>
<thead>
<tr>
<th>Letter Grade</th>
<th>Percentage</th>
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<tbody>
<tr>
<td>A+</td>
<td>97% to 100%</td>
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<tr>
<td>A</td>
<td>93% and less than 97%</td>
</tr>
<tr>
<td>A-</td>
<td>90% and less than 93%</td>
</tr>
<tr>
<td>B+</td>
<td>88% and less than 90%</td>
</tr>
<tr>
<td>B</td>
<td>84% and less than 88%</td>
</tr>
<tr>
<td>B-</td>
<td>80% and less than 84%</td>
</tr>
<tr>
<td>C</td>
<td>70% and less than 80%</td>
</tr>
<tr>
<td>F</td>
<td>0% and less than 70%</td>
</tr>
</tbody>
</table>
Other Policies on Grading

Papers

Written work will earn **90 per cent or more of available points** when it is of excellent quality, showing thorough understanding of issues and relationships among and between issues. Solid examples are presented to describe and explain concepts, as appropriate. All statements or arguments are well supported in a clear and organized fashion. Writing is in essay form, free of grammatical and spelling errors.

Written work will earn **between 80 and 90 per cent of available points** when it is of high quality, showing understanding of the issues and how they are related. Concepts are defined and described using appropriate examples. Statements or arguments made are supported in a clear and organized fashion. Writing is in essay form, free of grammatical and spelling errors.

Written work will earn **between 70 and 80 per cent of available points** when it demonstrates understanding of concepts involved. Writing is in essay form, free of grammatical and spelling errors.

Threaded Discussions (Forums):

Threaded discussions will account for about one-third of your grade. It is, therefore, important that you understand how these threaded discussions will be graded. To earn an "A" on any threaded discussion (A "Topic" within a "Forum") will require you to participate at least 4 times in each threaded discussion by, (1) respond to the initial instructor question with an idea, perspective or slant not brought forward by another student, (2) respond to a perspective or idea expressed by another student, and (3) respond with a thought that provokes discussion or input--perhaps a question of your own. All discussion, where appropriate, should be supported by references to papers, regulations, law, or case law. Links to Internet sites will greatly enhance your grade as well. To earn a "B," you must (1) participate at least 3 times to each "Topic", (2) respond to the question with an idea or perspective not brought forward by another student, and (3) comment on another student's input. To earn a "C" you must participate at least 2 times and comment on another student's perspective with a different idea of your own. These threaded discussions ("Topics" within each "Forum") will be graded with a rubric" (standard criteria of 4 categories and 4 ratings for each category) based on the criteria above. You will be awarded points for each Discussion and graded as we go. If we (Helen and Rhey) believe you are not contributing at an acceptable level, we will let you know via private e-mail. We will provide "progress" grading at the end of each Unit so you will have an idea of how well you are doing in the Threaded Discussions. If you have questions about how you are doing in your threaded discussions throughout the course, send us an e-mail and we will provide you with a response to your questions. **NOTE: We do assess when students begin to engage in the TDs. If you wait until the last few days to submit**
your thoughts and responses, you will not get full credit for your work, since others cannot engage in discussions with you because you are late with your contributions. So even if you think you comply with the criteria, you may be downgraded for participation too late with your thoughts.

We should point out that an "open" threaded discussion is made a part of each unit. This "open" threaded discussion is used by the students to discuss topics not discussed in other threaded discussions. This is an "open" forum to share ideas. We have found that "chat" rooms don't work really well, so we thought we would post this open discussion to see if that will work better. Also, if you want to contribute an idea to the open discussion, but have reservations about doing so because you don't want the input linked back to you, send Andree or Rhey an e-mail and we will post your idea, comment, or question as if it were from us--you become anonymous.

**Document submission Policies:**

**Acceptable Document Formats:**

Assignments can be submitted as Word or PDF format. Assignments should be posted in the assignment drop slots located in the weeks they are due as part of the course structure.

Assignments should be in a readable font (minimum 10 font, Times New Roman, Arial, Courier or other standard style format).

**Acceptable Citation Formats:**

We do not have a specific referencing format to be used. We do ask that a consistent format be used, however.

**Revision of work submitted- Criteria for revision:**

Revisions of work are permitted up until the work is graded. However, if revisions are resubmitted, the labeling of that assignment should make it clear that it is a revised version.

Revisions to discussion posts are permitted up until the end of that unit. Revisions and edits may be required because of mistyping or sentence structure that the author decides should be changed. The removal of a discussion post is also permitted, provided that another student has not commented on that post. Grading will be based on the posts for each discussion at the closure of the unit.

**Late work Policy:**

Assignments turned in late may be subject to a penalty. However, we do appreciate that emergencies do arise. Late submissions may be subject to grade adjustment,
but such adjustments will be determined on a case-by-case basis. If an emergency
does arise, notify your instructor(s) before the due date for the assignment and not
after the fact. The student has a responsibility to coordinate the submission for late
assignments ahead of time with the instructors. Assignments submitted late without
coordination with the instructors will be subject to one full grade adjustment.

Instructor Feedback Time:
Questions submitted within the Blackboard “Open” discussion for each Unit will be
responded to with 2 days of the submission. Questions submitted via e-mail will be
responded to with 3 days.
Instructors will aim to return submitted assignments within 7 days.
We encourage the students use the open discussion forum to ask questions. In this
way other students can benefit from the answer. However, there are questions that
are student specific and private and require an e-mail submission and response.
Each method for feedback and questions are permitted.

Communication:
To the extent possible, we will rely on the “open” discussions and e-mails for
communication with students. It is permissible to contact instructors by phone line,
or video conferencing. We do request that you not “cold call” instructors. The
protocol is to request through an e-mail that you would like a phone call or video
conference. The instructor(s) will coordinate with you on an appropriate time
and date for such communication.

Netiquette:
For Netiquette Core Rules visit The Core Rules of Netiquette web page.

In addition to the core rules here are additional “netiquette,” expectations:

   a. Check the discussion frequently and respond appropriately and on subject
      (i.e., don’t wait until the last day of the unit and drop five posts to the
discussion).
   b. Focus on one subject in each message and use pertinent subject titles.
   c. Capitalize words only to highlight a point or for titles. Capitalizing otherwise
      is generally viewed as SHOUTING!
   d. Be professional and careful with your on-line interaction.
   e. When posting a long message, it is generally considered courteous to warn
      readers at the beginning of the message that it is a lengthy post. You can
      often avoid adding needless length to posts by thinking through what you
      want to post before you begin keyboarding.
   f. It is considered rude to forward someone else’s messages without first
      seeking his or her permission.
   g. Emojis are appropriate but don’t overuse.
It is O.K. to use humor, but use it carefully. The absence of face-to-face cues can often cause “humor” to be misinterpreted as criticism or “flaming” (angry antagonistic criticism).

University Policies

General

This course adheres to all University policies described in the academic catalog. Please pay close attention to the following policies:

Students with Disabilities

Johns Hopkins University is committed to providing reasonable and appropriate accommodations to students with disabilities. Students with documented disabilities should contact the coordinator listed on the Disability Accommodations page. Further information and a link to the Student Request for Accommodation form can also be found on the Disability Accommodations page.

Ethics & Plagiarism

JHU Ethics Statement: The strength of the university depends on academic and personal integrity. In this course, you must be honest and truthful. Ethical violations include cheating on exams, plagiarism, reuse of assignments, improper use of the Internet and electronic devices, unauthorized collaboration, alteration of graded assignments, forgery and falsification, lying, facilitating academic dishonesty, and unfair competition. Report any violations you witness to the instructor.

Read and adhere to JHU’s Notice on Plagiarism.

Dropping the Course

You are responsible for understanding the university’s policies and procedures regarding withdrawing from courses found in the current catalog. You should be aware of the current deadlines according to the Academic Calendar.

Getting Help

You have a variety of methods to get help. Please consult the help listed in the "Blackboard Help" link in the online classroom for important information. If you encounter technical difficulty in completing or submitting any online assessment, please immediately contact the designated help desk listed on the AAP online support page. Also, contact your instructor at the email address listed atop this syllabus.

Copyright Policy

All course materials are the property of JHU and are to be used for the student’s individual academic purpose only. Any dissemination, copying, reproducing, modification, displaying, or transmitting of any course material content for any other purpose is prohibited, will be considered misconduct under the JHU Copyright.
Compliance Policy, and may be cause for disciplinary action. In addition, encouraging academic dishonesty or cheating by distributing information about course materials or assignments which would give an unfair advantage to others may violate AAP’s Code of Conduct and the University’s Student Conduct Code. Specifically, recordings, course materials, and lecture notes may not be exchanged or distributed for commercial purposes, for compensation, or for any purpose other than use by students enrolled in the class. Other distributions of such materials by students may be deemed to violate the above University policies and be subject to disciplinary action.

Code of Conduct

To better support all students, the Johns Hopkins University non-academic Student Conduct Code has been integrated and updated to include all divisions of the University. In addition, it is important to note that all AAP students are still accountable for the Code of Conduct for Advanced Academic Programs.

Title IX

Confidentiality and Mandatory Reporting

As an instructor, one of my responsibilities is to help create a safe and inclusive learning environment on our campus. I also have mandatory reporting responsibilities related to my role as a Responsible Employee under the Sexual Misconduct Policy & Procedures (which prohibits sexual harassment, sexual assault, relationship violence and stalking), as well as the General Anti-Harassment Policy (which prohibits all types of protected status based discrimination and harassment). It is my goal that you feel able to share information related to your life experiences in classroom discussions, in your written work, and in our one-on-one meetings. I will seek to keep information you share private to the greatest extent possible. However, I am required to share information that I learn of regarding sexual misconduct, as well as protected status based harassment and discrimination, with the Office of Institutional Equity (OIE). For a list of individuals/offices who can speak with you confidentially, please see Appendix B of the JHU Sexual Misconduct Policies and Laws.

For more information on both policies mentioned above, please see: JHU Relevant Policies, Codes, Statements and Principles. Please also note that certain faculty and other University community members also have a duty as a designated Campus Safety Authority under the Clery Act to notify campus security of certain crimes, as well as a duty under State law and University policy to report suspected child abuse and/or neglect.

Time Management:
What is the time demand and schedule of the course?
It is expected that you look ahead to schedule your time. Plan to complete coursework across several days of the week rather than all in one day. Each unit will be open one week before the discussions begin for that unit. Take advantage of this time so you can immediately engage the first day the unit is open for discussion submissions.

Some assignments require that you work on them for multiple weeks. Be sure to review the assignment directions at the beginning of the course so that you can plan your time accordingly. Please seek help before becoming frustrated and spending a significant amount of time to resolve an issue. The “Open” discussions for each unit are intended for you to ask questions about assignments—use them.